

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DANIEL PATILLO,

Plaintiff,

v.

LINCOLN COUNTY COURT SYSTEM,

Defendant.

Case No. 3:19-cv-0640-YY

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Youlee Yim You issued Findings and Recommendations in this case on September 9, 2019. ECF 10. Magistrate Judge You recommended that the Court dismiss Mr. Patillo’s claims without prejudice. No party has filed objections. For the reasons that follow, the Court **ADOPTS** the Findings and Recommendations.

Under the Federal Magistrates Act (“Act”), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the

court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] sua sponte . . . under a de novo or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge You’s Findings and Recommendations for clear error on the face of the record. No such error is apparent. Accordingly, the Court **ADOPTS** Magistrate Judge You’s Findings and Recommendation (ECF 10) and dismisses Mr. Patillo’s claims without prejudice.

IT IS SO ORDERED.

DATED this 6th day of November, 2019.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge